ISSUANCES

of the

Meat and Poultry Inspection Program

February 1975

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CONTENTS

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

NOTE

Revision, removal, or addition of information to the Manual, Regulations, etc., is indicated by asterisks.

February 20, 1975

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program

Veterinary Services
Washington, D.C. 20250

MPI-VS BULLETIN 75-27
2-7-75

ACTION BY: Veterinary Services Veterinarians, Accredited Veterinarians, MPI Inspectors in Charge, Owners and Operators of Official Establishments

INFORMATION FOR: Interested Parties

Exports to Sweden

The Swedish veterinary authorities have advised APHIS of certain new requirements that must be enforced in establishments that export to Sweden. An additional export certification with respect to growth promoting hormones (such as DES) will apply to all exports to Sweden of all beef products. This certification will be identical to that outlined in MPI-VS Bulletin 787, except wherever "DES" appears in the certification for Canada, substitute the words "growth promoting hormones" and wherever "Canada" appears, substitute "Sweden."

Owner and VS veterinary certification are required for cattle to be slaughtered for export of beef or beef products to Sweden. Follow the same procedures as outlined in MPI-VS Bulletin 787.

U.S. exporters desiring to export cooked beef products which have not previously been imported into Sweden, must submit a description of the product(s) to a Swedish importer, who then must apply to his government for a license to import the specific product(s).

Additional inspection time involved in providing certification of beef and beef products to Sweden will be reimbursable as provided for in Part 350 of the MPI regulations and Section 26.2 of the Meat and Poultry Inspection Manual.

Sweden also requires an annual medical examination of establishment personnel engaged in final cutting and packaging of meat in plants which export to Sweden. Until such time that the new Swedish requirements are published in the Meat and Poultry Inspection Manual, a statement relative to the medical examination must be typed on the reverse of the MP 412-3 as follows: "The products covered by this certificate have been handled by personnel subject to medical examination according to the Swedish Food Administration Implementing Ordinance SLV 1973:15, 1973-09-11. The cutting, packaging, and general treatment of the products have been accomplished in hygienically acceptable, temperature controlled facilities not exceeding 10° C. (50° F.)."

DISTRIBUTION: A-Q, S, U-U-2, U-6

CATEGORY: J - Export

REGS: Sect. 322.2

MANUAL: Part 22.62

OPI: FO/FP

The medical examination referred to should include feces tests for Salmonella and Shigella and should apply to new employees at time of employment and repeated annually for all employees engaged in final cutting and packaging of meat. The fecal examination should be conducted in Federal or State laboratories generally used in connection with official epidemiological investigations.

These Swedish requirements will be included in a manual change as soon as possible.

J. M. Hejl
Deputy Administrator
Veterinary Services

Fred J. Fullerton
Acting Deputy Administrator

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

MPI BULLETIN 75-29
2-11-75

INFORMATION FOR: Regional Directors, Area and Circuit Supervisory Personnel, Inspectors in Charge, Plant Management and Other Interested Parties

Labeling Required Features

The Food and Drug Administration (FDA) has amended its regulations to provide that:

1. Required labeling information that is not specifically required to be shown on the principal display panel may be shown on an "information panel"; and

2. The ingredients of oleomargarine and margarine do not have to be shown contiguous to the name "oleomargarine" or "margarine" but may be shown on the "information panel."

The Department has published proposed amendments to the meat and poultry inspection regulations to provide for the use of an "information panel" on labels. These amendments are similar to those adopted by FDA. Furthermore, the Department is preparing for publication in the Federal Register a proposed amendment to the meat inspection regulations that would provide for labeling of "oleomargarine" and "margarine" similar to the regulation adopted by FDA.

Therefore, to promote consistent labeling within the food industry and to make available to consumers product information uniformly displayed on labeling, the Meat and Poultry Inspection Program will approve labeling, pending the adoption of appropriate amendments to the regulations, under the following guidelines:

1. The ingredients statement required to be shown contiguous to the word "oleomargarine" or "margarine" under the provisions of section 317.8(b)(24) and 319.700 of the meat inspection regulations may be shown on an "information panel" as described in the proposed amendment (see 3 below).

2. Information, except for product name, the official inspection mark and the net weight statement, required to be shown on labeling may be shown on the "information panel" as described in the proposed amendments (see 3 below). For example, present regulations permit the ingredients statement and firm's name and address to be shown on the front riser panel of frozen food containers (§317.2(f) and (g), §381.118(d)). Under the proposed amendments this information may be shown on the "information panel."

DISTRIBUTION: P,Q,S,U-U-2 | CATEGORY: F-Labeling | REGS: 319.700, 317.2 | Manual: Part 17,18.55 381.118(d) | OPI: STS-LP

3. The "information panel" referred to in this bulletin is as described in the proposed amendments published in the Federal Register (38 F.R. 1606-1614) on January 11, 1974. The "information panel" proposed would be located on the first usable panel immediately to the right of the principal display panel. The information to be shown on the information panel would be required to appear in one place without nonmandatory intervening print or design.

This bulletin will be in effect until superseded by the amended regulations which will be published in the Federal Register at a future date.

Fred J. Fullerton
Acting Deputy Administrator

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

MEAT AND POULTRY INSPECTION MANUAL

CHANGE: 75-2 Page Control Sheet February 1975

Remove Page	Numbered	Insert Page	Numbered
57	Change 75-1	57	Change 75-1
58	Unnumbered	58	Unnumbered
103 and 104	Unnumbered	103 and 104	Change 75-2
165	Change 9	165	Change 9
166	Unnumbered	166	Change 75-2
253 and 254	Unnumbered	253	Change 75-2
		254	Unnumbered

ATTENTION: In the January issue, nonrevised page 57 was erroneously printed as page 58. Please remove such page and insert page 58.

* * *

10.8 POULTRY

(a) Bleeding

Contamination prevention. Blood must be prevented from contaminating food products.

To avoid product contamination from blood, scald water or feathers, slaughter and roughing should be done in rooms or areas adequately separated (by distance or otherwise) from pinning and finishing operations.

(b) Scalding; Overflow

Poultry shall not enter scalding tanks while still breathing.

Scalders should have a minimum overflow of one quart of water for each bird entering them. It should be increased, if necessary, to keep scald water reasonably clean.

Hock or neck scalders require sufficient overflow for sanitary processing.

(c) Defeathering

All carcasses shall be properly defeathered before inspection. Incompletely defeathered carcasses should not be hung on eviscerating line.

(d) Singeing

Vestigial feathers (hair, down), left by picking machines, may be removed by singeing, wax dipping, or other acceptable means.

When proper facilities are available, carcasses with hair may be singed on drip line after chilling.

(e) Delayed Evisceration

Unevisceratated carcasses may be temporarily held in tanks at transfer stations between picking and eviscerating lines, provided:

1. They are vented before being placed in tanks, crop feed is removed, and they are thoroughly washed (especially feet, mouth, and slaughter cut).

2. Tank water is kept reasonably clean, has continuous overflow and temperature below 65° F.

3. Chilling time, as required by regulations, begins when poultry enters the tank.

(f) Washing

All carcasses must be thoroughly washed after picking and before evisceration.

(g) Feet Removal

Feet shall be removed before inspection to examine hock joint and tendon sheath areas.

They may be removed on New York line before final wash, if facilities have baffles to protect hock joints from being washed.

Any variation shall be approved by area supervisor.

(h) Feet and Shanks for Edible Use

Poultry feet and shanks may be saved for edible purposes, provided:

1. Toenails and cuticle are removed just before carcass hanging on eviscerating line.
2. They are identified with the carcass until after inspection. Hock joint may be cut, leaving shank attached by a tendon or skin part, and feet dropped without interfering with inspection.
3. They are washed before chilling. This may be done by leaving them on the carcass until after final wash.
4. They are chilled to 40° F. or lower within 2 hours after removal from the carcass. If chilled with the carcass, regulation requirements shall apply. Any acceptable method of chilling poultry carcasses may be used. However, bulk-packed feet and shanks must always be chilled to 40° F. or less before packing, even when packing is followed by immediate freezing.
5. Unwholesome feet and shanks, and those of condemned carcasses, are condemned at inspection station.
6. They are properly labeled and labels are approved by STS-LP.
7. Procedures are approved by RD.

Note! Above instructions do not change requirements for feet exported to Japan or Hong Kong.

(i) Head Removal

Young chicken and waterfowl heads may be removed at any point between scalding and final washing of eviscerated carcass. Heads of other poultry should be removed after inspection and before final washing.

(j) Evisceration

Adequate supervision by plant management is essential to sanitary eviscerating operations.

(1) Opening cuts. Opening cuts must be made without cutting intestinal tract and without carcass contamination.

Unnecessary cuts are prohibited since they result in carcass contamination during eviscerating procedures, and in excessive moisture absorption during chilling.

Separating thighs from rib cage results in pockets where tissue debris and/or water gather during carcass washing and chilling.

A long cut between vent and tail (to remove vent) causes water to collect between back and skin.

(2) Bar cut procedure. A circular cut is made around the vent. Initial "half-moon" cut between tail and cloaca (Fig. 10.2) may be made on either 2- or 3-point suspension.

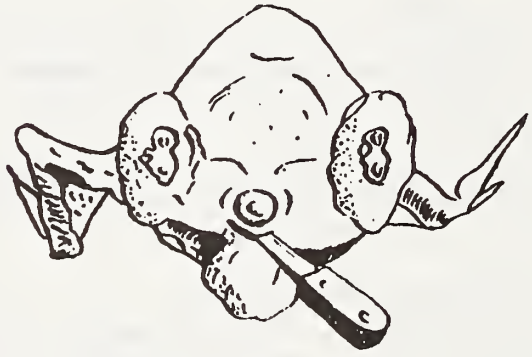

Figure 10.2

After carcass is rehung to a 3-point suspension (if the 2-point is used), with forefinger hooked under cloaca and thumb placed over natural opening to prevent feces escape (Fig. 10.3), remaining attachments--including the

14.6 FACILITY LOCKING OR SEALING

The inspector must lock or seal conveyors, charging and discharging lids or valves of rendering tanks, and equipment used for conveying or processing condemned product.

A rendering tank with a discharge (lower opening) permanently connected with a blow line shall be filled (charged) under inspector's direct supervision. Cover hatch or its control valve to charging hold (upper opening) shall be locked or sealed after operations.

Locking or sealing of such tanks and equipment is not required, if product is hashed or ground upon removal from condemned truck or container.

14.7 TAGS, SEALS; RECORD

(a) Meat

Numbers of retained or condemned tags--used on condemned animals, carcasses and products--tank seal numbers, sealing and seal breaking time, and inspector's identity may be recorded, at area supervisor's discretion, on the optional Form MP 406-2, Daily Report of Denaturing and Tanking. If completed, this form should be filed with Form MP 403-6. The block space in the heading of the fourth column under "Tag Numbers of Carcasses" may be used for goats, horses, or other species.

(b) Poultry

Occasionally USDA car seals may be used to assure product identity. These seals are usually applied to containers or trucks to prevent loss of identification during storage and transportation. When seals are applied for identification of product at plant of origin, the inspector will note their serial numbers and when he is informed of the shipment, send them to inspector at plant of destination.

Accountability of tags is not required. Although these tags are serially numbered, this is done only to enable the inspector to relate detached stubs to tags used.

14.8 STORAGE

When rendering facilities are not provided, condemned material shall be denatured and held in watertight metal containers in suitable inedible product room pending daily removal, or as approved by RD, to rendering plant(s).

14.9 UNBORN CALVES

Handling unborn calves--skinning, blood or specimen collecting, etc.--shall be done in enclosed areas of inedible product departments. Such areas shall be similar to retained cages and shall be secured with Government lock or seal when not under inspector's visual supervision.

Exception! Fetal blood may be collected on the kill floor, provided such operation is under inspector's direct supervision and it does not cause nuisance, product contamination, or excessive inspection coverage.

14.10 BILE COLLECTION

Bile may be collected from condemned livers, provided the procedure does not result in edible product contamination.

Sodium hydroxide must be added to the bile to form a mixture containing 1 percent sodium hydroxide by weight.

Containers must be tightly covered, leakproof, and labeled "(Species) Bile, Sodium Hydroxide Added - For Manufacturing Use Only." They may be stored in edible product areas and shipped in vehicles containing edible product.

14.11 RESEARCH PERMIT

(a) Meat

Permit requests to collect diseased, condemned, or inedible specimens for

research, educational, or other non-food purposes should be referred to the inspector in charge.

When research or educational specimens are collected, material other than specified on Form MP 403-10 shall not be removed.

(b) **Poultry**

Specimens--condemned poultry carcasses and/or parts--may be released to a private or commercial laboratory for diagnostic and research purposes, without denaturing or identifying, under the following conditions:

1. The purpose for which specimens are desired shall be made known to the inspector in charge.
2. Specimens must be selected in the presence of the inspector in charge or an inspector under his supervision.
3. That the Department may be fully informed, duplicate specimens shall in most cases be sent to the Beltsville laboratory. It is not always practicable to submit duplicate fresh specimens to this laboratory, but portions of appropriate tissues in formalin can usually be sent accompanied by written notes about the case on laboratory forms.
4. Laboratory personnel collecting specimens shall provide the inspector with a signed Form MP 112, Laboratory Specimen Receipt, or an equivalent statement indicating (a) purpose for which specimens taken; (b) head count of carcasses, (c) total weight of carcasses and/or parts, (d) date specimens are taken, (e) location and name of testing laboratory, (f) name and address of processing plant at which specimens are collected.
5. The inspector may transmit the specimens to the responsible laboratory of choice for the processor, grower or live poultry vendor at the industry members' expense if it is not practicable for laboratory personnel to collect the specimens. Form MP 112 shall be prepared with release of condemned poultry for laboratory analysis (see sec. 11.5(g) and Part 20).

The laboratory receiving the specimens is responsible for destroying them when tests are completed to prevent their use for human food and to preclude spread of disease to animals.

The laboratory shall submit a duplicate copy of its findings to the regional office.

14.12 SHIPMENT, STATE LETTER

Establishments wishing to ship inedible and condemned material shall obtain a letter from animal and poultry disease control officials of State(s) involved, certifying that removal of such material is acceptable. Annual renewal of this letter is not required unless specified by State(s). Such letter shall be valid until revoked, and filed at the inspector's office.

14.13 RENDERED FAT (MEAT)

Whenever nonfederally inspected or inedible rendered animal fat having edible character is offered for movement in interstate or foreign commerce without permit (325.11), it must be denatured. Vegetable charcoal of fine particle size may be used at the rate of 1 pound to each 10,000 pounds of rendered fat or, for each 750 pounds of rendered fat, one of the following denaturants:

1. One-third ounce of brucine in two parts of alcohol (ethyl, methyl, isopropyl, or denatured) and four parts of pine oil or oil of rosemary, sufficient to dissolve the brucine;
2. One-half gallon creosote;
3. Two gallons of pine tar;
4. One-fourth gallon of pyridine;
5. One-half gallon of No. 2 fuel oil or approved mineral oil.

Fat for Export. When laws or regulations of a foreign country importing rendered fats require or permit other denaturants, such denaturants may be used provided identification is accomplished. The shipper is responsible for such identification.

Any lot found contaminated with foreign material shall be retained. The establishment shall determine and correct the deficiency before resuming normal operations.

When above-listed operations qualify for minimal or limited inspection, the inspector shall monitor such operations when he visits the plant.

(c) Animal Fat

Submit samples of animal fat for species determination when product mislabeling is suspected--tallow in lard or vice versa (see Part 23).

(d) Vegetable Oil

Submit samples of incoming shipment of vegetable oils for possible presence of animal fats. Sample as instructed by regional or area office. Submit a 1-pound sample of mono- and/or diglycerides when used in products.

(e) Noncompliance

A lot in which a sample is found contaminated or otherwise not in compliance shall be retained. Product shall be cleaned, recycled, or disposed of as acceptable to the circuit supervisor.

18.55 SPECIAL PRODUCTS (Meat)

(a) Partially Defatted Tissue

Partially defatted beef or pork fatty tissue and partially defatted chopped beef or pork, manufactured by low temperature rendering processes, require use of acceptable raw materials, prompt chilling, and subsequent freezing of the residue.

To insure production of sound and properly labeled products, the following safeguards must be observed:

* (1) **Raw materials.** They must be *from official plants and recent pro-*duction lot, in excellent condition, *and stored at room temperature of *50° F. or less. Kill floor fats moved within the plant directly to * rendering units are exempt from this * temperature requirement. *

(2) **Meat used.** A representative sample of meat trimmings to be used must contain at least 12 percent lean meat, as determined by knife-cutting separation, for product labeled "partially defatted chopped beef" or "partially defatted chopped pork." Since lean meat percent can be determined at plant level, samples should not be sent to the laboratory.

Compliance with this requirement is determined by the plant drawing a 5-pound sample unit from each of 10 different containers of raw material. The inspector designates containers to be sampled by a random selection procedure. The test shall be performed under his supervision. Tests shall be made at least twice during each shift. Each 5-pound sample unit must average at least 12 percent lean meat for the product to be classified as partially defatted chopped beef or pork. Leaner cuts of meat may not be added to lots of raw material which fail these requirements to bring such lots into compliance.

(3) **Chilling.** Partially defatted * product shall leave the refrigeration * cycle of the process at 40° F. or * less. *

(4) **Freezing.** The partially defatted product shall be rapidly frozen to 30° F. within a 6-hour period unless * immediately used in product.

(5) **Laboratory samples.** Frequent samples shall be sent to the Microbiology Laboratory to evaluate plant's inspection controls. Samples must be frozen and adequately packed to prevent defrosting in transit.

(b) Oleomargarine

MPI maintains inspection over plants manufacturing oleomargarine with animal fats for interstate commerce. Such inspection deals with sanitation of the plant, wholesomeness of all raw materials, and accuracy of labeling. FDA is responsible for inspection of oleomargarine prepared without animal fats. However, MPI will require correction of insanitary conditions in parts of official plants used for making vegetable margarine.

MPI personnel are required to cooperate with FDA to assure adequate sanitation coverage is maintained over plants manufacturing oleomargarine with and without animal fats.

(c) Skins for Popping

Pork skins for popping must be free from visible hair roots.

(1) Procedure.

* Definitions. Sample unit. Twenty-
* five square inches of skin drawn from
* one carton in the lot. One or more
* pieces of skin may be drawn to obtain
* the necessary 25 square inches. Sample
* units may be selected from raw or
* "popped" skins before packaging or
* including into meat food product.

Sample size. Number of sample units to be included in sample.

Defective inspection unit. A square inch of skin containing one or more hair roots.

Acceptance number (ac). Number in a sampling plan indicating maximum number of defects allowed.

Rejection number (re). Number in a sampling plan indicating minimum number of defects that will cause a lot to fail.

Random sample. Sample selected so that each unit in the lot has equal chance of being chosen.

Lot. Collection of product units for inspection.

(2) Inspection plans. These plans, shown in Table 18.13, indicate lot and sample size, total of examined blocks, "Accept" (Ac), and "Reject" (Re) criteria for normal and tightened inspections.

(3) Sample selection. Determine sample size for respective number of pounds in lot. Randomly select appropriate sample units.

If skins are frozen, remove frost before inspecting for hair roots.

(4) Counting overlay (Fig. 18.4). Place a 5" x 5" overlay lined into

Table 18.13 - Inspection plans

Lot size (lbs.)	Sample units	No. of 1-sq-inch blocks examined	Inspection			
			Normal		Tightened	
			Ac	Re	Ac	Re
3,000 - under	6	60	10	11	7	8
3,001 - 12,000	12	120	17	18	12	13
12,001 - 18,000	20	200	27	28	19	20
18,001 - over	32	320	41	42	28	29

cut is to be branded. Individual cuts weighing a minimum of 6.6 pounds are permitted only on air freight shipments not exceeding 3300 pounds.

2. Beef tails and beef tenderloins of any weight. Each piece branded.

3. Pork bellies, ham shoulders, and loins. Each piece branded.

4. Edible organs.

(1) Beef livers (R). They shall be inspected as follows:

1. Open bile duct by usual method.

2. Make a transverse incision not longer than 2" and approximately 3/4" deep across the omasal impression of the liver visceral surface cutting the smaller branches of the bile duct.

3. Make a second transverse incision not longer than 2" and approximately 3/4" deep across the liver visceral surface from beside and below the caudate lobe, cutting only the smaller branches of the bile duct.

(2) Sheep livers (R). They will be inspected as described above, except that cuts should be smaller.

* **(3) Kidneys, bladder.** They should
* be examined. Renal lymph nodes should
* also be incised. Carcasses with
* kidneys and/or kidney fat removed
* are acceptable.

(4) Trichinae treatment, Certification. It is required for all product containing pork, including livers, kidneys, and casings. Entire or partial treatment may take place before export or in bonded storage at destination.

One of the following trichinae certifications will be signed by the veterinary inspector on the reverse side of Form MP 412-9, or Form MP 412-9-1, as applicable:

1. Full treatment before export.

a. "The pork has been continuously refrigerated for a period of 3 weeks at a maximum temperature of -15° C. (5° F.)."

b. "The meat product has been heated in such a manner that an internal temperature of at least 80° C. (176° F.) has been reached."

2. Partial treatment before export. A statement shall be given for actual freezing time supervised, e.g., "The pork has been continuously refrigerated for a period of 5 days at a temperature of -15° C."

3. No treatment before export. "No trichinae certification."

(5) Rendered fats; antioxidants. The following antioxidants may be added to rendered animal fats or to combinations of rendered animal fats and vegetable fats: dodecylgallate, propylgallate and octylgallate, not more than 0.01 percent either singly or in combination.

Note: Dodecylgallate and octylgallate are not listed in the regulations (MR-318.7), but may be used for export only (MR-318.8).

Certification. Besides Form MP 412-3 and 412-10, an MPI veterinarian shall complete a certificate in the following form:

"The undersigned (name and title of the authorized veterinary officer in the country of origin), at _____, certifies: that the edible rendered fats packed in (description of packing), gross weight _____, net weight _____ and marked as follows--(name of product), forwarded from (place of dispatch) by (name and address of shipper) and destined for (name and address of consignee) forwarded by (manner of forwarding, name of ship when shipped), were derived from slaughtering animals

of the type as defined in the (Dutch) Meat Inspection Act, which were subject to ante- and post-mortem inspection and were found to be entirely sound and fit for human consumption; that, insofar as they contain common salt, they only contain it in very small quantities; that no preservatives have been used other than propylgallate and/or octylgallate and/or dodecylgallate, and that the total contents of these gallates do not amount to more than 0.01 percent; that they are free from all other substances foreign to animal fats and oils; that the composition is in conformity with the view of the mark stated; that the composition in no respect is in contravention of the purport of this certificate."

Given at_____, on _____.

_____
(Signature)

(6) **Meat animals.** These animals, as defined in the Dutch Meat Inspection Act, are horses, cattle, sheep, goats, and swine.

If the rendered animal fats being exported are derived from horses, regular export stamps and certificates will not be used.

(7) **Casings.** Issue Form MP 413.

(b) Poultry Products

Each shipment must be accompanied by Form MP 506 with required statement. Cables or letters sent subsequent to arrival of product will not be accepted.

All exports to Netherlands must meet the same requirements on estrogens as for Italy. Certifying procedures and statement on MP 506 are also the same.

Export certificate for processed poultry products (canned goods, etc.) to Netherlands may be issued by authorized MPI personnel.

22.51 NEW ZEALAND

(a) Meat Products

Casings (R). They may be admitted at the ports of Auckland, Gisborne, Napier, New Plymouth, Wanganui, Wellington, Lyttleton, Timaru, Port Chalmers, Dunedin, or Bluff, when accompanied by a certificate, completed by exporter and MPI inspector as shown in Charts 22.2 (Form No. 1) and 22.3 (Form No. 2).

A certificate including Form No. 1 and Form No. 2, as above specified, shall be prepared in duplicate by exporter and inspector in charge. Certificate forms shall be supplied by exporter. Animals are to be slaughtered in official establishments and sanitarily handled. Before certification, the inspector in charge shall assure casings origin and the sanitary handling thereof. Furthermore, all casings for export to New Zealand shall first be examined by the inspector, and only those fit for use as sausage containers in official establishments shall be certified. A copy of each certificate shall be filed in the inspector's office.

(b) Poultry Products

Fully cooked poultry products are accepted, provided (1) an import permit is issued by New Zealand Department of Agriculture and a copy of such permit accompanies the shipment; (2) an MP 506 is issued by a Federal inspector with the following statement;

"The poultry products covered by this certificate have been derived from poultry slaughtered at a processing plant under control of the United States Department of Agriculture, no case of exotic Newcastle disease has occurred in any of the States supplying poultry to

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D. C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

CHANGE: 75-1/2 February 1975

PAGE CONTROL SHEET

Remove Page	Numbered	Insert Page	Numbered
	SUBCHAPTER A - MANDATORY MEAT INSPECTION		
33	Unnumbered	33	Change 75-1/2
34	Unnumbered	34	Change 75-1/2
35 and 36	Unnumbered	35	Change 75-1/2
		36	Unnumbered
203	Unnumbered	203	Unnumbered
204	Change 14	204	Change 75-1/2
205	Change 14	205	Change 75-1/2
206	Change 11	206	Unnumbered
	SUBCHAPTER C - MANDATORY POULTRY PRODUCTS INSPECTION		
119	Change 14	119	Change 75-1/2
120	Change 1	120	Change 75-1/2

HIGHLIGHTS

Section 331.6 was amended to designate Minnesota, Missouri, Montana, Nebraska, Nevada, Oregon, and Washington, under section 205 of the Federal Meat Inspection Act. Section 381.224 was amended to designate Minnesota, Missouri, Montana, Nebraska, Nevada, Oregon, and Washington, under section 11(e) of the Poultry Products Inspection Act.

Sections 309.16(a), 309.16(b)(1), and (b)(2), and section 309.16(b)(5), were amended to require a 14-day withdrawal period to prevent DES contamination in the meat supply.

Section 309.16(c)(1) was amended to reflect the change in the name of the Manual.

(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the area supervisor. The U.S. Condemned identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock previously affected with listeriosis, including those released for slaughter after treatment under paragraph (b) of this section, shall be identified as U.S. Suspect.

(d) When livestock under the provisions of this section is to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the livestock shall first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 309.15 Vesicular diseases.

(a) Immediate notification shall be given by the inspector to the local, State, and Federal livestock sanitary officials having jurisdiction when any livestock is found to be affected with a vesicular disease.

(b) No livestock under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given ante-mortem inspection. If no quarantine is invoked, or if quarantine is invoked and later removed, upon ante-mortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.16 Livestock suspected of having biological residues.

(a) Except as provided in paragraph (b) or (c) of this section, no cattle or sheep shall be slaughtered at any official establishment until they * have been held thereat as described in this paragraph for a minimum of 14 days * before slaughter and the following conditions are met:

(1) The animals must be fed a ration free of diethylstilbestrol (DES) throughout the holding period.

(2) Suitable facilities as specified in § 307.2(a) of this chapter must be provided for holding the animals.

(3) During such period the animals shall be identified as "U.S. Condemned."

(b) In lieu of holding as required by paragraph (a) of this section, cattle or sheep may be handled as provided in this paragraph (b).

(1) Cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment if they are

accompanied by a certificate as prescribed in this paragraph, signed by the owner, feedlot manager, feeder, selling agent, buying agent, dealer, or other * person who had custody of the animals during a period of 14 days or more * immediately prior to delivery to the official establishment. Each certificate must show:

(i) The number and kind of animals covered by the certificate;

(ii) That the person making the certification had custody of the animals * for 14 days or more, immediately prior to delivery to the official * establishment;

(iii) Whether the animals did or did not receive feed containing DES while in the custody of the person making the certification;

(iv) The date of withdrawing from DES if the animals received feed containing DES; and

(v) That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals.

(2) Alternatively, cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment if any market agency or dealer who provides cattle or sheep to the official establishment (hereinafter referred to as the agency or dealer) and who had * custody of the animals during an interim holding period of less than 14 days * prior to delivery to the official establishment, furnishes a certificate showing:

(i) He has in his possession a certificate or certificates executed by another person or persons showing:

(a) The number and kind of animals covered by each certificate;

(b) That the person or persons making the certification had custody of * the animals for a period of 14 days or more prior to their delivery to said * dealer;

(c) Whether the animals did or did not receive feed containing DES during the period in which the animals were in the custody of the person or persons making the certification;

(d) The date of withdrawing from DES if the animals received feed containing DES during said period; and

(e) That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals during said period.

(ii) For animals shown by a certificate prescribed in subdivision (i) of * this subparagraph to have received feed containing DES within 14 days prior to * the date of execution of the agency's or dealer's certificate, the last date on which the animals received such feed, as shown by the certificates prescribed in subdivision (i) of this subparagraph:

(iii) The animals offered for slaughter are the same animals covered by the certificates described in subdivision (i) of this subparagraph;

(iv) The number and kind of animals covered by the certificate;

(v) The number of days the animals were in the custody of such agency or dealer; and

(vi) The animals did not receive feed containing DES while in the custody of such agency or dealer.

(3) A copy of each certificate issued by the agency or dealer as prescribed in subparagraph (2) of this paragraph and the original certificates issued by other persons as prescribed in subparagraph (2)(i) of this paragraph

shall be maintained by the agency or dealer in his place of business for not less than 1 year after he issues his certificate under this paragraph (b).

(4) Except as provided in subparagraph (3) of this paragraph, the certificates must accompany the animals and be delivered by the operator of the official establishment to a Program employee at the official establishment prior to presentation of the animals for slaughter.

(5) If it appears to the Program employee, from such certificates, that there was compliance with the conditions specified in subdivision (v) of subparagraph (1) of this paragraph and that the animals did not receive any * feed containing DES for 14 days immediately prior to their presentation for * slaughter, the animals may be slaughtered, subject to any other restrictions in this subchapter; otherwise, the animals shall be held under the conditions * prescribed in paragraph (a) of this section until the expiration of 14 days in * which the animals have not received feed containing DES.

(6) The Administrator may, in specific cases, require the collection by Program employees and analysis by a Department laboratory of tissue samples from animals slaughtered under this paragraph (b) to determine whether they contain any DES residues.

(7) Any person who knowingly makes a false statement in any certificate prescribed in this paragraph (b) is subject to criminal prosecution.

(c) In lieu of holding as prescribed in paragraph (a) of this section or of certification as prescribed in paragraph (b) of this section, cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment upon the condition that all the carcasses and edible organs and other parts thereof shall be designated as "U.S. Retained" and held until samples of the tissues have been subjected to laboratory analyses for DES residues, in accordance with the following procedure, the results of the analyses have been furnished to the Program employee, and the articles have been released by the Program employee from retention or condemned under paragraph (e) of this section.

* (1) A specified number of random samples as prescribed in the Meat and * * Poultry Inspection Manual must be collected by the Program employee. A * sufficient quantity of tissue must be collected to provide a duplicate of each sample.

(2) The operator of the official establishment must submit one set of the duplicate samples to a laboratory, other than a Department laboratory, that is acceptable to the Administrator and have such sample analyzed for DES residue. Expenses incurred in connection with such analyses shall be paid by the operator of the official establishment.

(3) The Program employee must submit one set of the duplicate samples to a Department laboratory for monitoring.

(d) Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph in addition to any applicable requirements of paragraph (a) of this section. They shall be identified at official establishments as "U.S. Condemned." These livestock may be held under the custody of a Program employee, or other official designated by the Administrator, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must

be reexamined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis for the residue.

(e) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "U.S. Condemned" and disposed of in accordance with § 314.1 or § 314.3 of this chapter.

§ 309.17 Livestock used for research.

(a) No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Program, or the Veterinary Services unit of the Animal and Plant Health Inspection Service of the Department of Agriculture or to the Environmental Protection Agency or to the Food and Drug Administration of the Department of Health, Education, and Welfare data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated, and a Program employee has approved such slaughter;

(2) Written approval by the Deputy Administrator, Meat and Poultry Inspection Field Operations furnished the area supervisor prior to the time of slaughter;

(3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (Part 103 of this title), and used in accordance with the labeling approved under said regulations;

(4) In the case of an animal administered any investigational drug, regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 135 of the regulations issued under said Act (21 CFR Part 135), and used in accordance with the labeling approved under said regulations;

(5) In the case of an animal subjected to any experimental economic poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

(6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date
Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or preparing, freezing, packaging or labeling any livestock carcasses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, wholesaler or otherwise), transporting or storing any livestock carcasses or parts or products	Kentucky	4-18-73
		North Dakota	7-23-73
		Pennsylvania	5-2-74
		Minnesota	1-31-75 *
		Missouri	1-31-75 *
		Montana	1-31-75 *
		Nebraska	1-31-75 *
		Nevada	1-31-75 *
		Oregon	1-31-75 *
		Washington	1-31-75 *

	thereof; or (3) business as a renderer, or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or parts of carcasses of any livestock that died otherwise than by slaughter.			
Act, 203; § 320.5.	Persons engaged (not in or for commerce) in business as a meat broker; renderer; animal food manufacturer; wholesaler or public warehouseman of livestock carcasses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock that died otherwise than by slaughter.	Kentucky	4-18-73	
		North Dakota	7-23-73	
		Pennsylvania	5-2-74	
*		Minnesota	1-31-75	*
*		Missouri	1-31-75	*
*		Montana	1-31-75	*
*		Nebraska	1-31-75	*
*		Nevada	1-31-75	*
*		Oregon	1-31-75	*
*		Washington	1-31-75	*
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	Kentucky	4-18-73	
		North Dakota	7-23-73	
		Pennsylvania	5-2-74	
*		Minnesota	1-31-75	*
*		Montana	1-31-75	*
*		Nevada	1-31-75	*
*		Oregon	1-31-75	*
*		Washington	1-31-75	*

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

AUTHORITY: The provisions of this Part 335 issued under Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477.

Subpart A - General

§ 335.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 335.2 Definitions.

As used in this part, the terms as defined in section 1 of the Act (21 U.S.C. 601) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part:

(a) "Act" means the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.).

(b) "regulations" means the regulations promulgated pursuant to the Act (9 CFR 301.1 et seq.).

(c) "hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or written hearing.

(d) "moving paper" means any formal complaint or other document by virtue of which a proceeding under the Act is instituted.

(e) "complainant" means the party upon whose moving paper the proceeding is instituted.

(f) "respondent" means the party proceeded against.

(g) "Secretary" means the Secretary of Agriculture, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(i) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (the Administrative Procedure Act) and assigned to the proceeding involved.

(j) "Administrator" means the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead in connection with the function involved.

(k) "decision" means the Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on proposed findings, conclusions and orders submitted by the parties.

§ 335.3 Scope and applicability of this part.

The rules of practice in this part shall be applicable to the procedure governing proceedings and summary action for the refusal, withdrawal or suspension of inspection service with respect to any applicant or recipient of such service under Title I of the Act.

misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(b); §§ 381.175-381.178	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry products broker, wholesaler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Kentucky	4-18-73
		North Dakota	7-23-73
		Pennsylvania	5-2-74
		Minnesota	1-31-75
		Missouri	1-31-75
		Montana	1-31-75
		Nebraska	1-31-75
		Nevada	1-31-75
		Oregon	1-31-75
		Washington	1-31-75
Act, 11(c); § 381.179	Persons engaged (not in or for commerce) in business as a poultry products	Kentucky	4-18-73
		North Dakota	7-23-73
		Pennsylvania	5-2-74
		Minnesota	1-31-75

*	broker; renderer; animal food manufacturer; wholesaler or public warehouseman of poultry carcasses, or parts or products thereof; or buying, selling, or transporting dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Missouri	1-31-75	*
*		Montana	1-31-75	*
*		Nebraska	1-31-75	*
*		Nevada	1-31-75	*
*		Oregon	1-31-75	*
*		Washington	1-31-75	*

Act, 11(d).....

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

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